PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER		see Form PCT/ISA/220
NO 7579/WO	ACTION	as well	as, where applicable, Item 5 below.
International application No.	International filing date (day/month	/year)	(Earliest) Priority Date (day/month/year)
PCT/EP2004/006613	18/06/2004		23/06/2003
Applicant			
NESTEC S.A.			
This International Search Report has been according to Article 18. A copy is being tra	n prepared by this International Sear ansmitted to the International Bureau	ching Auth	ority and is transmitted to the applicant
This International Search Report consists	of a total of she	ets.	
b	a copy of each prior art document of		report.
Basis of the report			
a. With regard to the language, the	international search was carried out less otherwise Indicated under this It	on the bas em.	is of the international application in the
The international this Authority (Ru		of a transla	ation of the international application furnished to
		disclosed	in the international application, see Box No. I.
2. X Certain claims were fou	nd unsearchable (See Box II).		
3. Unity of invention is lac	sking (see Box III).		
4. With regard to the title,			
1	ubmitted by the applicant.		
	shed by this Authority to read as folio	ws:	
INFANT OR FOLLOW-ON FO			
•			
5. With regard to the abstract,	uhmitted by the applicant "		
	ubmitted by the applicant. shed, according to Rule 38.2(b), by t	his Authori	ty as it appears in Box No. IV. The applicant
may, within one month fr	om the date of mailing of this interna	tional sear	ch report, submit comments to this Authority.
6. With regards to the drawings,			
a. the figure of the drawings to be	published with the abstract is Figure	No	
as suggested by	the applicant.		
	nis Authority, because the applicant f		
	his Authority, because this figure bett	er characte	erizes the Invention.
b. X none of the figures is to	be published with the abstract.		

International Application No PCT/EP2004/006613

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A23L1/29 A23L A23L1/30 A61K31/202 A61K35/74 A23L1/305 According to International Patent Classification (IPC) or to both national classification and IPC B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) A23L A61K IPC 7 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, BIOSIS, FSTA, WPI Data, PAJ C. DOCUMENTS CONSIDERED TO BE RELEVANT Relevant to claim No. Citation of document, with indication, where appropriate, of the relevant passages 1 - 19EP 0 231 904 A (MILUPA AG) Υ 12 August 1987 (1987-08-12) page 2, lines 5-10; claims 1-6 US 2002/004527 A1 (0' CONNOR DEBORAH L ET AL) 10 January 2002 (2002-01-10) 1 - 19Υ pages 1-10; claims 1-21 1 - 19US 2003/060509 A1 (ELSWYK MARY VAN) 27 March 2003 (2003-03-27) page 1, paragraph 2; claim 41 page 4, paragraph 52-58 page 6, paragraph 84 1 - 5US 5 374 657 A (KYLE DAVID J) Υ 20 December 1994 (1994-12-20) column 1, lines 29-38; claims 1-22; examples 4-6 Patent family members are listed in annex. Further documents are listed in the continuation of box C. Special categories of cited documents: later document published after the international filling date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the "A" document defining the general state of the art which is not considered to be of particular relevance invention "E" earlier document but published on or after the international 'X' document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such docucitation or other special reason (as specified) Or document referring to an oral disclosure, use, exhibition or ments, such combination being obvious to a person skilled in the art. other means *P* document published prior to the international filing date but later than the priority date claimed *&* document member of the same patent family Date of mailing of the international search report Date of the actual completion of the international search 11/10/2004 30 September 2004 Authorized officer Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016 De Jong, E

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International Application No
PCT/EP2004/006613

		FC1/EF2004/00001	
	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	15	tol
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to o	iaim No.
Y	US 2003/017192 A1 (KANAFANI HANNY ET AL) 23 January 2003 (2003-01-23) page 1, paragraphs 5,6; claims 1-25; example 3	7 1-1	9
Υ	EP 0 904 784 A (NUTRICIA NV) 31 March 1999 (1999-03-31) column 8, paragraph 58 - column 9, paragraph 64; example 7	1-1	9
Y	WO 02/15719 A (NESTLE SA) 28 February 2002 (2002-02-28) example 6	1	
Y	US 2003/077255 A1 (SABHARWAL HEMANT K) 24 April 2003 (2003-04-24) page 2, paragraphs 10,14; claims 1-12 page 1, paragraphs 3,7	1,6 14-	
Y	OGATA T ET AL: "EFFECT OF BIFIDOBACTERIUM LONGUM BB536 YOGHURT ADMINISTRATION ON THE INTESTINAL ENVIRONMENT OF HEALTHY ADULTS" MICROBIAL ECOLOGY IN HEALTH & DISEASE, CHICHESTER, GB, vol. 11, no. 1, March 1999 (1999-03), pages 41-46, XP009023764 the whole document	7,1	
Y	GRILL J P ET AL: "Bifidobacteria and probiotic effects: action of Bifidobacterium species on conjugated bile salts." CURRENT MICROBIOLOGY. JUL 1995, vol. 31, no. 1, July 1995 (1995-07), pages 23-27, XP008036111 ISSN: 0343-8651 the whole document	7,1	
Y	ISOLAURI E ET AL: "Probiotics in the management of atopic eczema." CLINICAL AND EXPERIMENTAL ALLERGY: JOURNAL OF THE BRITISH SOCIETY FOR ALLERGY AND CLINICAL IMMUNOLOGY. NOV 2000, vol. 30, no. 11, November 2000 (2000-11), pages 1604-1610, XP002298117 ISSN: 0954-7894 the whole document	8-1	
Y	WO 02/060276 A (MAEYRAE-MAEKINEN ANNIKA; SUOMALAINEN TARJA (FI); VALIO LTD (FI); VAAR) 8 August 2002 (2002-08-08) the whole document	8-1 14-	
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	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	Relevant to claim No.
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Halavaik to Claim No.
Y	SAXELIN M: "LACTOBACILLUS GG - A HUMAN PROBIOTIC STRAIN WITH THOROUGH CLINICAL DOCUMENTATION" FOOD REVIEWS INTERNATIONAL, NEW YORK, NY, US, vol. 13, no. 2, 1997, pages 293-313, XP000199732 the whole document	8-10, 14-19
Y	KALLIOMAKI M ET AL: "Probiotics and prevention of atopic disease: 4-year follow-up of a randomised placebo-controlled trial" LANCET THE, LANCET LIMITED. LONDON, GB, vol. 361, no. 9372, 31 May 2003 (2003-05-31), pages 1869-1871, XP004428374 ISSN: 0140-6736 the whole document	8-10, 14-19
Υ	EP 1 048 226 A (NESTLE SA) 2 November 2000 (2000-11-02) claims 1-4; examples 1,2	1,2,4, 11-13,17
Y	KANKAANPAA P E ET AL: "The influence of polyunsaturated fatty acids on probiotic growth and adhesion." FEMS MICROBIOLOGY LETTERS 194 (2) 149-153 2001 DEP. OF BIOCHEM. & FOOD CHEM., UNIV. OF TURKU, 20014 TURKU, FINLAND. TEL. +358 (2) 333 6873. FAX +358 (2) 333 6860. E-MAIL PAERKA(A)UTU.FI, 2001, XP002261972 pages 152-153	1,2,4
Υ	DE 102 19 684 A (FRIEDRICH BUESE CONSULTING GMB ;UNTERNEHMENSBERATUNG REICHENAU (DE) 14 November 2002 (2002-11-14) claims 1,10	1,2,4
A	EP 0 880 902 A (NESTLE PRODUKTE AG) 2 December 1998 (1998-12-02) cited in the application the whole document	11
A	DE 202 02 562 U (ORTHOMOL PHARMAZEUTISCHE VERTR) 23 May 2002 (2002-05-23) claims 1,2	. 6
	-/	

International Application No
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C.(Continu	stion) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with Indication, where appropriate, of the relevant passages	R	elevant to claim No.
A	MATSUMOTO M ET AL: "ADHESIVE PROPERTY OF BIFIDOBACTERIUM LACTIS LKM512 AND PREDOMINANT BACTERIA OF INTESTINAL MICROFLORA TO HUMAN INTESTINAL MUCIN" CURRENT MICROBIOLOGY, NEW YORK, NY, US, vol. 44, no. 3, 2002, pages 212-215, XP008024172 ISSN: 0343-8651 page 212 page 215		3
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International application No. PCT/EP2004/006613

INTERNATIONAL SEARCH REPORT

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)
This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1. X Claims Nos.: 14-19(partly) because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 14-19 are directed to a method of treatment of the human body, the search has been carried out and based on the alleged effects of the compound/composition.
2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)
This International Searching Authority found multiple inventions in this international application, as follows:
As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
No required additional search fees were timely paid by the applicant. Consequently, this international Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark on Protest
No protest accompanied the payment of additional search fees.

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ional Application No PCT/EP2004/006613

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A23L1/29 A23L Ã23L1/30 A23L1/305 A61K35/74 A61K31/202 According to International Patent Classification (IPC) or to both national classification and IPC **B. FIELDS SEARCHED** Minimum documentation searched (classification system followed by classification symbols) A23L A61K IPC 7 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the International search (name of data base and, where practical, search terms used) EPO-Internal, BIOSIS, FSTA, WPI Data, PAJ C. DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. 1 - 19Υ EP 0 231 904 A (MILUPA AG) 12 August 1987 (1987-08-12) page 2, lines 5-10; claims 1-6 γ US 2002/004527 A1 (O' CONNOR DEBORAH L ET 1 - 19AL) 10 January 2002 (2002-01-10) pages 1-10; claims 1-21 Υ US 2003/060509 A1 (ELSWYK MARY VAN) 1-19 27 March 2003 (2003-03-27) page 1, paragraph 2; claim 41 page 4, paragraph 52-58 page 6, paragraph 84 1-5 Υ US 5 374 657 A (KYLE DAVID J) 20 December 1994 (1994-12-20) column 1, lines 29-38; claims 1-22; examples 4-6 Further documents are listed in the continuation of box C. Patent family members are listed in annex. Special categories of cited documents: "T" tater document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the "A" document defining the general state of the art which is not considered to be of particular relevance invention "E" earlier document but published on or after the International "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such docu-ments, such combination being obvious to a person skilled in the art. O document referring to an oral disclosure, use, exhibition or other means document published prior to the international filing date but later than the priority date claimed "&" document member of the same patent family Date of mailing of the international search report Date of the actual completion of the international search 11/10/2004 30 September 2004 Authorized officer Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo ni,

Fax: (+31-70) 340-3016

De Jong, E

		PCT/EP2004/006613
(Continu	ation) DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	US 2003/017192 A1 (KANAFANI HANNY ET AL) 23 January 2003 (2003-01-23) page 1, paragraphs 5,6; claims 1-25;	1-19
,	example 3 EP 0 904 784 A (NUTRICIA NV) 31 March 1999 (1999-03-31) column 8, paragraph 58 - column 9, paragraph 64; example 7	1-19
	WO 02/15719 A (NESTLE SA) 28 February 2002 (2002-02-28) example 6	1
'	US 2003/077255 A1 (SABHARWAL HEMANT K) 24 April 2003 (2003-04-24) page 2, paragraphs 10,14; claims 1-12 page 1, paragraphs 3,7	1,6, 14-16
(OGATA T ET AL: "EFFECT OF BIFIDOBACTERIUM LONGUM BB536 YOGHURT ADMINISTRATION ON THE INTESTINAL ENVIRONMENT OF HEALTHY ADULTS" MICROBIAL ECOLOGY IN HEALTH & DISEASE, CHICHESTER, GB, vol. 11, no. 1, March 1999 (1999-03), pages 41-46, XPO09023764 the whole document	7,10, 14-19
,	GRILL J P ET AL: "Bifidobacteria and probiotic effects: action of Bifidobacterium species on conjugated bile salts." CURRENT MICROBIOLOGY. JUL 1995, vol. 31, no. 1, July 1995 (1995-07), pages 23-27, XP008036111 ISSN: 0343-8651 the whole document	7,10, 14-19
Y	ISOLAURI E ET AL: "Probiotics in the management of atopic eczema." CLINICAL AND EXPERIMENTAL ALLERGY: JOURNAL OF THE BRITISH SOCIETY FOR ALLERGY AND CLINICAL IMMUNOLOGY. NOV 2000, vol. 30, no. 11, November 2000 (2000-11), pages 1604-1610, XP002298117 ISSN: 0954-7894 the whole document	8-10, 14-19
Y	WO 02/060276 A (MAEYRAE-MAEKINEN ANNIKA; SUOMALAINEN TARJA (FI); VALIO LTD (FI); VAAR) 8 August 2002 (2002-08-08) the whole document	8-10, 14-19

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C.(Continue	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relavant to claim No.
Υ	SAXELIN M: "LACTOBACILLUS GG - A HUMAN PROBIOTIC STRAIN WITH THOROUGH CLINICAL DOCUMENTATION" FOOD REVIEWS INTERNATIONAL, NEW YORK, NY, US, vol. 13, no. 2, 1997, pages 293-313, XP000199732 the whole document	8-10, 14-19
Υ	KALLIOMAKI M ET AL: "Probiotics and prevention of atopic disease: 4-year follow-up of a randomised placebo-controlled trial" LANCET THE, LANCET LIMITED. LONDON, GB, vol. 361, no. 9372, 31 May 2003 (2003-05-31), pages 1869-1871, XP004428374 ISSN: 0140-6736 the whole document	8-10, 14-19
Y	EP 1 048 226 A (NESTLE SA) 2 November 2000 (2000-11-02) claims 1-4; examples 1,2	1,2,4, 11-13,17
Y	KANKAANPAA P E ET AL: "The influence of polyunsaturated fatty acids on probiotic growth and adhesion." FEMS MICROBIOLOGY LETTERS 194 (2) 149-153 2001 DEP. OF BIOCHEM. & FOOD CHEM., UNIV. OF TURKU, 20014 TURKU, FINLAND. TEL. +358 (2) 333 6873. FAX +358 (2) 333 6860. E-MAIL PAERKA(A)UTU.FI, 2001, XP002261972 pages 152-153	1,2,4
Y	DE 102 19 684 A (FRIEDRICH BUESE CONSULTING GMB ;UNTERNEHMENSBERATUNG REICHENAU (DE) 14 November 2002 (2002-11-14) claims 1,10	1,2,4
Α	EP 0 880 902 A (NESTLE PRODUKTE AG) 2 December 1998 (1998-12-02) cited in the application the whole document	11
A	DE 202 02 562 U (ORTHOMOL PHARMAZEUTISCHE VERTR) 23 May 2002 (2002-05-23) claims 1,2	6
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		PCT/EP2004	4/000013
	ation) DOCUMENTS CONSIDERED TO BE RELEVANT		Octobra de la la Ma
Category °	Citation of document, with indication, where appropriate, of the relevant passages		Relevant to claim No.
A	MATSUMOTO M ET AL: "ADHESIVE PROPERTY OF BIFIDOBACTERIUM LACTIS LKM512 AND PREDOMINANT BACTERIA OF INTESTINAL MICROFLORA TO HUMAN INTESTINAL MUCIN" CURRENT MICROBIOLOGY, NEW YORK, NY, US, vol. 44, no. 3, 2002, pages 212-215, XP008024172 ISSN: 0343-8651 page 212 page 215		3



This international Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: 1. X Claims Nos.: 14-19(partly) because they relate to subject matter not required to be searched by this Authority, namely:
1. X Claims Nos.: 14-19(partly) because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 14-19 are directed to a method of treatment of the human body, the search has been carried out and based on the alleged effects of the compound/composition.
Claims Nos.: because they relate to parts of the international Application that do not comply with the prescribed requirements to such an extent that no meaningful international Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)
This International Searching Authority found multiple inventions in this international application, as follows:
As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this international Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this international Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark on Protest The additional search fees were accompanied by the applicant's protest.
No protest accompanied the payment of additional search fees.

Information on patent family members

							2004/000013
	itent document I in search report		Publication date		Patent family member(s)		Publication date
EP	0231904	A	12-08-1987	DE	3603000	A1	06-08-1987
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